

BEFORE THE TENNESSEE ETHICS COMMISSION

In re:)	No. 2008-07
)	
G3 HOME MEDICAL DBA)	
RESPIRATORY SUPPORT SERVICES,)	
)	
Respondent.		

ORDER FINDING GOOD CAUSE

This matter came on to be heard by the Tennessee Ethics Commission ("Commission") on June 24, 2008, at its regularly scheduled meeting upon Commission staff's presentation of documentation substantiating that Respondent failed timely to file a Semi-Annual Lobbying Expenditure Report ("Report") which each employer of a lobbyist is required to file pursuant to Tenn. Code Ann. § 3-6-303(a).

FINDINGS OF FACT

Based on the entire record in this matter, the Commission finds as follows:

1. Registration. G3 Home Medical DBA Respiratory Support Services was registered as an employer of a lobbyist for 2007.

2. Semi-Annual Lobbying Expenditure Report.

A. In October 2007, Commission staff notified G3 Home Medical DBA Respiratory Support Services by electronic mail that it was required to file a Report for the period ending September 30, 2007, and that such Report was due to be filed by November 15, 2007.

B. As of November 15, 2007, G3 Home Medical DBA Respiratory Support Services had not filed its Report for the period ending September 30, 2007.

C. On December 5, 2007, Commission staff mailed G3 Home Medical DBA Respiratory Support Services a Notice of Failure to File Semi-Annual Lobbying Expenditure Report ("Notice") by first class mail.

D. G3 Home Medical DBA Respiratory Support Services did not respond to said Notice and did not file its Report.

E. G3 Home Medical DBA Respiratory Support Services timely filed its Report for the period ending March 31, 2007.

F. G3 Home Medical DBA Respiratory Support Services is in possession of the Commission's manual for lobbyists and employers of lobbyists as required by Tenn. Code Ann. § 3-6-114(c), which contains the requirement of filing Reports.

G. G3 Home Medical DBA Respiratory Support Services had sufficient notice of the requirement of filing the Report for the period ending September 30, 2007, in advance of its due date of November 15, 2007.

3. Notice of violation.

A. On March 12, 2008, Commission staff sent G3 Home Medical DBA Respiratory Support Services, by certified mail, return receipt requested, a Notice that the Commission intended to consider assessment of civil penalties against G3 Home Medical DBA Respiratory Support Services at its April 22, 2008 meeting, because of its failure to file its Report by November 15, 2007 ("Show Cause Notice.")

B. The Show Cause Notice set forth the allegations, the maximum amount of civil penalties that could be assessed, the date, place, and time of the meeting, and G3 Home Medical DBA Respiratory Support Services' opportunity to participate in an informal proceeding at the meeting either by appearing personally or by submitting a sworn statement and documents.

C. The Commission received a return receipt substantiating that G3 Home Medical DBA Respiratory Support Services received the Show Cause Notice.

4. Filing of Report. The Commission received G3 Home Medical DBA Respiratory Support Services Semi-Annual Lobbying Expenditure Report on March 17, 2008.

5. Showing of Cause. G3 Home Medical DBA Respiratory Support Services did submit an explanation for its failure to file its Report by November 15, 2007. Its attorney explained that it employed a lobbyist up to January 2007. When it received the October 2007 Notice, it did not believe it needed to file the November 2007 Report because it did not employ a lobbyist during that time.

CONCLUSIONS OF LAW

1. G3 Home Medical DBA Respiratory Support Services had no duty under Tenn. Code Ann. § 3-6-303(a) to file a Report for the six (6) month period ending September 30, 2007. This Report was due to be filed no later than November 15, 2007, and it did not employ a lobbyist or have any lobbyist expenditures during this time.

2. Therefore, G3 Home Medical DBA Respiratory Support Services did show good cause why it failed to file its Report by November 15, 2007.

3. Therefore, pursuant to Tenn. Code Ann. § 3-6-303(a), no civil penalty may be imposed.

ORDER

It is therefore ORDERED as follows:

1. G3 Home Medical DBA Respiratory Support Services did show good cause why it failed to file its Report by November 15, 2007.
2. The Executive Director shall enter this Order.
3. The Executive Director shall cause a copy of this Order to be provided to the Respondent, by either personal service, certified mail, return receipt requested, or overnight delivery.

SO ORDERED, this 30th day of June, 2008

TENNESSEE ETHICS COMMISSION

By: _____
Bruce A. Androphy, Executive Director